

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-19, 21-39, 41-59 and 61-65 are currently pending in this application. Independent claims 1, 18, 19, 21, 38, 39, 41, 58, and 59 are hereby amended in this response. Independent claims 20, 40, and 60 were previously cancelled without prejudice. Claims 2-16, 22-26, 33-36, 42-56, and 61-65 were previously presented. No new matter has been introduced. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. ALLOWABLE SUBJECT MATTER

In the Office Action, the Examiner indicated that previously presented independent claims 61-65 are allowed. The allowable subject matter of claim 14 has been incorporated into the other amended independent claims, as shown above. Therefore, all the pending independent claims are allowable. The dependent claims are allowable by the fact they incorporate one of the allowable independent claims

III. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-13, 16-19, 21-33, 36-39, 41-42, 45-52, and 55-59 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,323,905 to Kondo et al. (hereinafter, merely “*Kondo*”).

IV. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 21 and 35-39 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,243,423 to DeJean et al. (hereinafter, merely “*DeJean*”).

V. RESPONSE TO REJECTIONS

Independent claim 1 recites, *inter alia*:

“A data processing device comprising:

... an embedding unit adapted to embed a plurality of types of improvement information into the data, wherein the improvement information generating unit generates the plurality of types of improvement information for converting the data into a plurality of qualities and,
wherein the embedding unit embeds the plurality of types of improvement information into the data so that the data and the improvement information can be restored.” (Emphasis added)

A. Units that Generate and Embed a Plurality of Types of Improvement

*Information Into Data So That The Data And The Improvement Information Can Be Restored
Are Not Taught Or Suggested In The Prior Art*

Kondo does not disclose or suggest “an embedding unit adapted to embed a plurality of types of improvement information into the data,” “wherein the embedding unit

embeds the plurality of types of improvement information into the data so that the data and the improvement information can be restored[,]" as recited in claim 1.

Kondo discloses the conversion of image data into image data of a higher quality using prediction coefficients. Contrary to the Examiner's position, Fig. 1 of *Kondo* fails to illustrate an embedding unit adapted to embed improvement information (i.e., prediction coefficients), much less an "embedding unit" that embeds the plurality of types of improvement information into the data so that the data and the improvement information can be restored."

Moreover, *DeJean* also fails to disclose or suggest "[an] embedding unit" that "embeds the plurality of types of improvement information into the data so that the data and the improvement information can be restored."

Therefore, Applicants respectfully submit that claim 1 is patentable. For reasons similar to those described above with regard to independent claim 1, independent claims 18, 19, 21, 38, 39, 41, 58, and 59 are also patentable.

VI. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken

as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

CONCLUSION

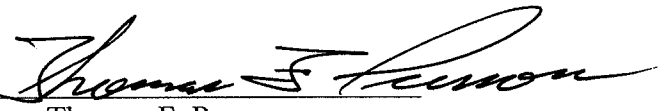
In view of the foregoing amendments and remarks, it is believed that all of the claims remaining in this application are patentable and Applicants respectfully request early passage to issue of the present application.

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
Ph: (212) 588-0800
Fax: (212) 588-0500